

ASSEMBLY BILL

No. 1961

Introduced by Assembly Member Eggman
(Principal coauthor: Senator Wolk)

February 19, 2014

An act to add Article 10 (commencing with Section 65550) to Chapter 3 of Division 1 of Title 7 of, and to add Section 65040.15 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1961, as introduced, Eggman. Land use: planning: Sustainable Farmland Strategy.

(1) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, a land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. Existing law authorizes a local agency to charge fees for the funding of purposes that include the preparation and revision of land use plans and policies.

This bill would require each county with significant agricultural land resources, as defined, to also develop, on or before January 2, 2018, a sustainable farmland strategy. The bill would require the Sustainable Farmland Strategy to include, among other things, a map and inventory of all agriculturally zoned land within the county, a description of the goals, strategies, and related policies and ordinances, to retain

agriculturally zoned land where practical and mitigate the loss of agriculturally zoned land to nonagricultural uses or zones, and a page on the county's Internet Web site with the relevant documentation for the goals, strategies, and related policies and ordinances, as specified. The bill would exempt any county with less than 4% of its land use base in agriculture, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law establishes in the Office of the Governor the Office of Planning and Research with duties that include developing and adopting guidelines for the preparation of and content of mandatory elements required in city and county general plans.

This bill would require the Office of Planning and Research, when it adopts its next edition of general plan guidelines, to include best practices that support agricultural land retention and mitigation, as specified.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California is the nation's leader in food production and
- 4 contributes significantly to our food security.
- 5 (b) California agricultural production depends on soil, water,
- 6 and climate conditions found in one of only five Mediterranean
- 7 growing regions on Earth.
- 8 (c) California agriculture is vulnerable to the impacts of global
- 9 warming, including constrained water resources, increases in
- 10 extreme weather events, and rising sea levels.
- 11 (d) California agriculture is also positioned to provide climate
- 12 benefits by reducing greenhouse gas emissions. Research funded
- 13 by the California Energy Commission's Public Interest Energy
- 14 Research (PIER) program found that an acre of urban land emits

1 70 times more greenhouse gas emissions than an acre of irrigated
2 crop land.

3 (e) California's growing population places additional demands
4 on both our food supply and on the development of agricultural
5 land for nonagricultural purposes. Over the past 30 years, an
6 average of approximately 30,000 acres of California agricultural
7 land is permanently converted to nonagricultural uses annually.

8 (f) The conservation of a maximum amount of the limited supply
9 of California's agricultural land is necessary for the maintenance
10 of the agricultural economy of the state, climate change mitigation,
11 enhancement of the state's natural resources and the assurance of
12 an adequate, healthy and nutritious food supply for the residents
13 of this state and nation.

14 (g) California's statewide land use planning priorities include
15 the goal of protecting, preserving, and enhancing the state's most
16 valuable natural resources, including working landscapes such as
17 farm, range, and forest lands.

18 (h) Counties have jurisdiction over the majority of the state's
19 agricultural land and play a vital role in regulating the use of land,
20 including the conservation of agricultural lands through appropriate
21 zoning and planning activities, as well as determinations of the
22 potential environmental impacts of proposed land use changes.
23 When farmland is converted to nonagricultural uses, agricultural
24 conservation easements can constitute feasible mitigation to lessen
25 impacts on local and regional agricultural resources.

26 (i) It is the intent of the Legislature to assure that counties
27 recognize that farmland is a limited and valuable resource which
28 must be conserved wherever possible. It is also the intent of the
29 Legislature to assure that counties with significant agricultural
30 land resources prepare and carry out a Sustainable Farmland
31 Strategy, which along with state and regional programs, will
32 protect, preserve, and enhance the state's agricultural lands.

33 (j) Certain actions by local agencies, including those to protect
34 natural resources and the environment, have been identified by the
35 Office of Planning and Research as classes of projects that do not
36 have a significant effect on the environment, and are therefore not
37 subject to the California Environmental Quality Act. The adoption
38 of a sustainable farmland strategy would be considered to be an
39 action to protect natural resources or the environment.

1 SEC. 2. Article 10 (commencing with Section 65550) is added
2 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
3 read:

4
5 Article 10. Sustainable Farmland Strategy
6

7 65550. For the purposes of this article, the term “agriculturally
8 zoned land” means land that is determined by a county to be
9 designated in agriculture as the primary purpose or use of the zone.

10 65551. (a) The board of supervisors of any county other than
11 a county described in subdivision (e), shall develop a Sustainable
12 Farmland Strategy.

13 (b) (1) The Sustainable Farmland Strategy shall include all of
14 the following:

15 (A) A map and inventory of all agriculturally zoned lands within
16 the county as of February 21, 2014. A county may use the
17 county-level maps of agricultural land developed by the Farmland
18 Mapping and Monitoring Program of the Department of
19 Conservation, general plan maps, or other available local and state
20 maps and resources.

21 (B) A description of the goals, strategies, and related policies
22 and ordinances to retain agriculturally zoned land, where practical,
23 and mitigate the loss of agriculturally zoned lands to
24 nonagricultural uses or nonagricultural zones.

25 (C) A page on the county’s Internet Web site that assembles all
26 of the relevant documentation for the goals, strategies and related
27 policies, and ordinances, as described in subparagraphs (A) and
28 (B), as well as reporting on the manner of compliance with this
29 article as required by subdivision (f). The board of supervisors
30 shall also include, on the Internet Web site, a table and map
31 showing the location of lands enrolled in the California Land
32 Conservation Act of 1965, also known as the Williamson Act
33 (Article 1 (commencing with Section 51200) of Chapter 7 of Part
34 1 of Division 1 of Title 5).

35 (2) The board of supervisors of each county shall consult with
36 the governments of cities located within their boundaries, and with
37 their local agency formation commission, on the development of
38 the sustainable farmland strategy for that county to assure that the
39 plans and policies of the cities and local agency formation

1 commission are taken into consideration and are compatible to the
2 maximum extent feasible.

3 (c) A county may comply with the requirements of this article
4 by relying on existing inventories and maps of agricultural lands,
5 and existing goals, strategies, and related policies and ordinances
6 that substantially comply with the provisions of subdivision (b).
7 Any county complying under this subdivision shall summarize
8 and incorporate by reference on the county's Internet Web site, a
9 description of how each requirement of this subdivision has been
10 met.

11 (d) The board of supervisors shall update the Sustainable
12 Farmland Strategy as determined to be necessary by the board of
13 supervisors.

14 (e) Any county with less than 4 percent of its land base in
15 agriculture, as determined by the most recent Census of Agriculture
16 by the United States Department of Agriculture, is exempt from
17 this article.

18 (f) On or before January 1, 2018, each county shall affirm
19 compliance with this article by one of the following means:

20 (1) Developing and adopting a Sustainable Farmland Strategy
21 consistent with subdivision (b).

22 (2) Adopting a resolution finding that the existing county goals,
23 policies and ordinances have a functionally equivalent strategy
24 that meets the requirements of subdivision (b), pursuant to
25 subdivision (c).

26 (3) Adopting a resolution finding that the county's agricultural
27 land resources do not meet the threshold described in subdivision
28 (e), and that the county is not required to develop a sustainable
29 farmland strategy.

30 SEC. 3. Section 65040.15 is added to the Government Code,
31 to read:

32 65040.15. (a) The Office of Planning and Research, when it
33 adopts its next edition of general plan guidelines pursuant to
34 Section 65040.2, shall include best practices that support
35 agricultural land retention and mitigation, including, but not limited
36 to, the following:

37 (1) Right to farm ordinances with real estate disclosure.

38 (2) Farmland mitigation ordinances.

39 (3) Conservation easement purchase programs.

40 (4) Economic incentives to promote local agriculture.

1 (5) Use of zoning to prevent nuisances and land use conflicts,
2 and to promote commercial agriculture by limiting parcelization
3 of agricultural lands.

4 (6) Urban growth boundaries in coordination with incorporated
5 jurisdictions.

6 (7) Locally adopted thresholds of significance for California
7 Environmental Quality Act (Division 13 (commencing with Section
8 21000) of the Public Resources Code) review for conservation of
9 grazing lands and farmland of local importance, in addition to
10 existing thresholds for conversion of prime farmland, unique
11 farmland, and farmland of statewide importance.

12 (b) The Office of Planning and Research shall include in their
13 next update of the General Plan Guidelines recommendations on
14 the role of local agency formation commissions in the preservation
15 of agriculturally zoned lands when considering annexations of
16 agriculturally zoned lands into cities and service extensions onto
17 agriculturally zoned lands.

18 SEC. 4. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 a local agency or school district has the authority to levy service
21 charges, fees, or assessments sufficient to pay for the program or
22 level of service mandated by this act, within the meaning of Section
23 17556 of the Government Code.